

DOCKET NO. \_\_\_\_\_

IN THE

**SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM, 2018**

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**BRYAN FREDERICK JENNINGS,**

Petitioner,

vs.

**STATE OF FLORIDA**

Respondent.

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**APPLICATION FOR SIXTY (60) DAY EXTENSION OF TIME IN WHICH**

**TO FILE PETITION FOR WRIT OF CERTIORARI TO THE**

**FLORIDA SUPREME COURT**

COMES NOW, the Petitioner, **BRYAN FREDERICK JENNINGS**, by and through undersigned counsel, and pursuant to Supreme Court Rule 13.5, respectfully requests an extension of time of sixty (60) days within which to file his Petition for Writ of Certiorari to the Florida Supreme Court. In support of his request, Petitioner, through counsel, states as follows:

1. Petitioner is a death-sentenced inmate in the custody of the State of Florida. This case involves an appeal from the decision of the Florida Supreme Court affirming the denial of postconviction relief as to several constitutional claims.

2. This Court's jurisdiction rests on 28 U.S.C. §1257.

3. Petitioner was convicted of murder and sentenced to death by the circuit court of the Eighteenth Judicial Circuit in and for Brevard County, Florida.

4. On October 4, 2018, Petitioner's appeal from the denial of post conviction relief was denied by the Florida Supreme Court (Attachment A). Petitioner's time to file a petition for a writ certiorari with this Court expires January 2, 2019. However due to circumstances beyond his control, Mr. Jennings has to ask for a 60 day extension of his time to file his petition.

5. Petitioner shows the following good cause in support of this request.

6. Petitioner's counsel, who is court appointed registry counsel and has been Petitioner's court-appointed registry counsel since 2000, has had a particularly burdensome caseload since the final disposition of Petitioner's case in the Florida Supreme Court. On November 15, 2018, Governor Rick Scott re-scheduled the execution of Jose Jimenez for December 13, 2018. Undersigned is also court appointed registry counsel for Mr. Jimenez and now under Florida law to prioritize Mr. Jimenez's case. As a result of the re-scheduling of Mr. Jimenez's execution, Petitioner's counsel is now having to spend virtually all of his time focusing pursuing collateral relief for Mr. Jimenez and litigating his constitutional claims. At least until December 13, Petitioner's counsel will be unable to work on Mr. Jennings' petition for a writ of certiorari.

7. In addition, undersigned will have to meet as soon as he can with his members of his family in Illinois in order help with health care decisions regarding his 94 year old mother whose health is declining.

8. As a result of the warrant litigation and his familial obligations, counsel will not been able to prepare a proper petition for a writ of certiorari in Petitioner's case and must ask for an extension of time in which Petitioner's can petition this Court for certiorari review of the Florida Supreme Court's denial of Petitioner's appeal for collateral relief.

WHEREFORE, Petitioner, through his undersigned counsel, respectfully requests an extension of time of sixty (60) days within which to file his Petition for Writ of Certiorari to the Florida Supreme Court.

I HEREBY CERTIFY that a true copy of the foregoing motion has been furnished by United States Mail, first-class postage prepaid, to all counsel of record on December 6, 2018.

/s/. Martin J. McClain  
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